



February 15, 2002

ENGROSSED SENATE BILL No. 362

DIGEST OF SB 362 (Updated February 13, 2002 11:46 AM - DI 77)

Citations Affected: IC 25-1; IC 25-13.

Synopsis: Licensure of dental hygienists. Modifies the licensing requirement for a dental hygienist who is licensed in another state. Allows the state board of dental examiners to classify a dental hygienist's license as inactive if the dental hygienist will not practice in Indiana, and allows the board to issue a license to the holder of a inactive license under certain circumstances. Provides that the application for a health profession license, certificate, registration, or permit is if the applicant does not complete the requirements for the application within one year, unless the applicant shows good cause for the delay.

Effective: Upon passage; July 1, 2002.

Wyss, Alexa

(HOUSE SPONSORS — HASLER, BECKER, KLINKER)

January 8, 2002, read first time and referred to Committee on Health and Provider Services.

January 17, 2002, amended, reported favorably — Do Pass.

January 22, 2002, read second time, ordered engrossed.

January 23, 2002, engrossed.

January 28, 2002, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Public Health.

February 14, 2002, amended, reported — Do Pass.

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ES 362—LS 6873/DI 107+



February 15, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 362

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-5-4, AS AMENDED BY P.L.44-2000,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 4. (a) The bureau shall employ necessary staff,
4 including specialists and professionals, to carry out the administrative
5 duties and functions of the boards, including but not limited to:
6 (1) notice of board meetings and other communication services;
7 (2) recordkeeping of board meetings, proceedings, and actions;
8 (3) recordkeeping of all persons licensed, regulated, or certified
9 by a board;
10 (4) administration of examinations; and
11 (5) administration of license or certificate issuance or renewal.
12 (b) In addition the bureau:
13 (1) shall prepare a consolidated statement of the budget requests
14 of all the boards in section 3 of this chapter;
15 (2) may coordinate licensing or certification renewal cycles,
16 examination schedules, or other routine activities to efficiently
17 utilize bureau staff, facilities, and transportation resources, and to

ES 362—LS 6873/DI 107+



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improve accessibility of board functions to the public; and
 (3) may consolidate, where feasible, office space, recordkeeping,
 and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the bureau shall ~~issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice shall be accompanied by appropriate renewal forms.~~ **send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the bureau, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the bureau, the license or certificate is renewed within forty-five (45) days after receipt of the notice.**

(d) In administering an examination for licensure or certification, the bureau shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The bureau may require an applicant for license renewal to submit evidence proving that:

(1) the applicant continues to meet the minimum requirements for licensure; and

(2) the applicant is not in violation of:

(A) the statute regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

(f) The bureau shall process an application for renewal of a license or certificate:

(1) not later than ten (10) days after the bureau receives all required forms and evidence; or

(2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the bureau with all required forms and evidence.

This subsection does not require the bureau to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The bureau may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the bureau that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the bureau delays issuing a license renewal, the bureau

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1 shall notify the applicant that the applicant is being investigated.
 2 Except as provided in subsection (h), before the end of the ninety (90)
 3 day period, the board shall do one (1) of the following:

4 (1) Deny the license renewal following a personal appearance by
 5 the applicant before the board.

6 (2) Issue the license renewal upon satisfaction of all other
 7 conditions for renewal.

8 (3) Issue the license renewal and file a complaint under IC 25-1-7.

9 (4) Request the office of the attorney general to conduct an
 10 investigation under subsection (i) if, following a personal
 11 appearance by the applicant before the board, the board has good
 12 cause to believe that there has been a violation of IC 25-1-9-4 by
 13 the applicant.

14 (5) Upon agreement of the applicant and the board and following
 15 a personal appearance by the applicant before the board, renew
 16 the license and place the applicant on probation status under
 17 IC 25-1-9-9.

18 (h) If an individual fails to appear before the board under subsection
 19 (g), the board may take action on the applicant's license allowed under
 20 subsection (g)(1), (g)(2) or (g)(3).

21 (i) If the board makes a request under subsection (g)(4), the office
 22 of the attorney general shall conduct an investigation. Upon completion
 23 of the investigation, the office of the attorney general may file a
 24 petition alleging that the applicant has engaged in activity described in
 25 IC 25-1-9-4. If the office of the attorney general files a petition, the
 26 board shall set the matter for a hearing. If, after the hearing, the board
 27 finds the practitioner violated IC 25-1-9-4, the board may impose
 28 sanctions under IC 25-1-9-9. The board may delay issuing the renewal
 29 beyond the ninety (90) days after the renewal date until a final
 30 determination is made by the board. The applicant's license remains
 31 valid until the final determination of the board is rendered unless the
 32 renewal is denied or the license is summarily suspended under
 33 IC 25-1-9-10.

34 (j) The license of the applicant for a license renewal remains valid
 35 during the ninety (90) day period unless the license renewal is denied
 36 following a personal appearance by the applicant before the board
 37 before the end of the ninety (90) day period. If the ninety (90) day
 38 period expires without action by the board, the license shall be
 39 automatically renewed at the end of the ninety (90) day period.

40 (k) Notwithstanding any other statute, the bureau may stagger
 41 license or certificate renewal cycles. However, if a renewal cycle for a
 42 specific board or committee is changed, the bureau must obtain the



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approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

SECTION 2. IC 25-13-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The board may issue a license upon payment of the fee set by the board under section 5 of this chapter by an applicant who furnishes satisfactory proof that the applicant:

- (1) is a dental hygienist;
- (2) is currently licensed in some other state that has licensing requirements substantially equal to those in effect in Indiana on the date of application;
- (3) has been in satisfactory practice for at least ~~five (5)~~ **two (2)** years out of the preceding ~~seven (7)~~ **five (5)** years;
- (4) passes the law examination; and
- (5) has completed at least fourteen (14) hours of continuing education in the previous two (2) years.

However, all other requirements of this chapter must be met and the licensing requirements of the law and the board of the state from which such candidate comes may not be less than those prescribed in this chapter.

(b) An applicant who, before September 1, 1987, graduated from a school for dental hygienists that was recognized by the board at the time the degree was conferred and that required a course of training of only one (1) year, and who has completed:

- (1) one (1) year of internship in a dental clinic of an accepted hospital;
- (2) one (1) year of teaching, after graduation, in a school for dental hygienists; or
- (3) five (5) years of actual dental practice as a dental hygienist;

may apply for licensure under this section if all other requirements of this section are met.

SECTION 3. IC 25-13-1-17.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 17.2. (a) The board may classify a license as inactive if the board receives written notification from**



1 the dental hygienist that the dental hygienist will not practice as a
2 dental hygienist in Indiana.

3 (b) The board may issue a license to the holder of an inactive
4 license under this section if the applicant:

5 (1) pays the renewal fee set by the board;

6 (2) pays the reinstatement fee set by the board; and

7 (3) meets the continuing education requirements set by the
8 board.

9 SECTION 4. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 362, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Page 2, line 4, reset in roman "5".

Page 2, line 4, delete "5(d)(1)".

Page 2, line 33, delete "to practice dental hygiene".

Page 2, line 35, delete "does" and insert "**will**".

Page 2, line 36, delete "reclassify" and insert "**issue a license to the holder of**".

Page 2, line 36, delete "to practice".

Page 2, line 37, delete "dental hygiene".

Page 2, line 37, delete "subsection (a)" and insert "**this section**".

Page 2, line 37, delete "dental hygienist:" and insert "**applicant:**".

Page 2, line 38, delete "board under section 5(d)(2)" and insert "**board;**".

Page 2, delete line 39.

Page 2, line 40, delete "board under section" and insert "**board; and**".

Page 2, delete line 41.

Page 2, line 42, delete "under" and insert "**set by the board.**".

Page 3, delete line 1.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 362 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 362, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-1-5-4, AS AMENDED BY P.L.44-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) The bureau shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition the bureau:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize bureau staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the bureau shall ~~issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice shall be accompanied by appropriate renewal forms. send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the bureau, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the bureau, the license or certificate is renewed within forty-five~~ **(45) days after receipt of the notice.**

(d) In administering an examination for licensure or certification, the bureau shall make the appropriate application forms available at

ES 362—LS 6873/DI 107+



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least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The bureau may require an applicant for license renewal to submit evidence proving that:

- (1) the applicant continues to meet the minimum requirements for licensure; and
- (2) the applicant is not in violation of:
 - (A) the statute regulating the applicant's profession; or
 - (B) rules adopted by the board regulating the applicant's profession.

(f) The bureau shall process an application for renewal of a license or certificate:

- (1) not later than ten (10) days after the bureau receives all required forms and evidence; or
- (2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the bureau with all required forms and evidence.

This subsection does not require the bureau to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The bureau may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the bureau that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the bureau delays issuing a license renewal, the bureau shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

- (1) Deny the license renewal following a personal appearance by the applicant before the board.
- (2) Issue the license renewal upon satisfaction of all other conditions for renewal.
- (3) Issue the license renewal and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection

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(g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2) or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the bureau may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the bureau must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 362 as printed January 18, 2002.)

BROWN C, Chair

Committee Vote: yeas 10, nays 0.

ES 362—LS 6873/DI 107+



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